

EXHIBIT 38

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

STATE OF MARYLAND; STATE OF DELAWARE; STATE OF CALIFORNIA; STATE OF COLORADO; STATE OF ARIZONA; STATE OF CONNECTICUT; DISTRICT OF COLUMBIA, STATE OF HAWAI'I; STATE OF ILLINOIS; OFFICE OF THE GOVERNOR *ex rel.* Andy Beshear, in his official capacity as Governor of the COMMONWEALTH OF KENTUCKY; STATE OF MAINE; COMMONWEALTH OF MASSACHUSETTS; PEOPLE OF THE STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; JOSH SHAPIRO, in his official capacity as Governor of the COMMONWEALTH OF PENNSYLVANIA; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF WASHINGTON; STATE OF WISCONSIN;

Plaintiffs,

v.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, operating as AmeriCorps; and JENNIFER BASTRESS TAHMASEBI, in her official capacity as Interim Head of the Corporation for National and Community Service;

Defendants.

DECLARATION OF GUSTAVE SEELIG

Pursuant to 28 U.S.C. § 1746, I, Gustave Seelig, hereby declare as follows:

1. I am a resident of the State of Vermont. I am over the age of 18 and have personal knowledge of all the facts stated herein, including as based on my experience and information provided to me. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am Executive Director of the Vermont Housing and Conservation Board (VHCB).

3. VHCB is a public instrumentality of the State of Vermont that was created by statute in 1987. It exercises “public and essential governmental functions” defined by statute. 10 V.S.A. § 311(a).

4. VHCB’s statutory charge and mission includes the dual goals of creating affordable housing and community development for Vermonters, while also conserving and protecting Vermont’s agricultural land, forestland, historic properties, important natural areas, and recreational lands. The statute asks VHCB to pursue these goals in order to promote economic vitality and quality of life throughout Vermont 10 V.S.A. § 302(a).

5. My position as Executive Director is defined by statute and requires me to, in part, “administer, manage and direct the affairs and business of the Board.” 10 V.S.A. § 311(f).

6. Among other programs, VHCB administers VHCB AmeriCorps, an AmeriCorps program that has existed since 1997.

7. VHCB AmeriCorps members currently serve in approximately 18 different community-based organizations to help provide unmet local needs regarding the creation of affordable housing and stewardship of Vermont’s natural resources.

8. VHCB AmeriCorps members provide critical support to implement VHCB’s statutory goals in the form of housing services to assist individuals in securing affordable housing or homeownership opportunities, improving food access for vulnerable Vermont residents,

providing environmental education through community outreach programs and summer camps, stewarding Vermont's public areas by maintaining environmental integrity, improving access to the outdoors for Vermonters and providing outdoor and environmental education for both school groups and the general public.

9. AmeriCorps members also mobilize and support citizen volunteers who provide thousands of service hours on AmeriCorps projects, greatly amplifying the program's impact in meeting VHCB's statutory goals.

10. In the service year of 2023 to 2024, for example, VHCB members improved 1,153 acres of public lands; restored 122 miles of trails and waterways across Vermont; provided environmental education programs to 14,391 students, youth, and community members; and, helped respond to statewide flooding and provided disaster relief for 487 individuals.

11. Over the last nearly three decades of its existence, 912 participants have served in the Program. A large number of VHCB AmeriCorps members have gone on to continue supporting Vermont's housing and conservation efforts through employment or continued volunteerism.

12. Over the last 10 years, VHCB AmeriCorps members improved over 31,059 miles of trails and waterway corridors; maintained over 155,245 acres of public lands; planted more than 75,652 trees and native plants; taught over 181,665 youths and individuals about the environment; supported 7,023 unhoused individuals access critical services; weatherized or made available 3,621 housing units; and assisted over 1,300 seniors and individuals with disabilities stabilize their housing and successfully live independently.

13. VHCB AmeriCorps has been supported by AmeriCorps since 1997. Since 2015, VHCB AmeriCorps has received \$5 million in competitive and formula AmeriCorps grants and has enlisted 387 AmeriCorps members in service to the State of Vermont.

14. The details of VHCB AmeriCorps's funding since 2015 are as follows:

Fiscal Year	# of AmeriCorps Members	AmeriCorps Funds	Matching Funds	Total Program Cost
2015	37	\$378,000	\$185,608	\$563,608
2016	41	\$368,902	\$247,670	\$616,572
2017	45	\$368,669	\$295,625	\$664,294
2018	40	\$368,669	\$360,925	\$729,594
2019	37	\$373,559	\$344,450	\$713,119
2020	37	\$395,000	\$395,947	\$790,947
2021	41	\$393,588	\$422,882	\$816,470
2022	24	\$418,052	\$425,900	\$843,952
2023	29	\$493,727	\$568,607	\$1,062,334
2024	34	875,000	186,717	\$1,061,717
2025	22	\$699,000	\$517,984	\$1,216,984
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Total	387	\$5,132,166	\$3,952,315	\$9,084,481

15. On April 25, 2025, I learned from Vermont's Agency of Human Services staff that, pursuant to a forwarded email it received from Interim Agency Head Jennifer Bastress Tahmasebi, VHCB was being terminated as an AmeriCorps award subrecipient. The stated reason was that "the award no longer effectuates agency priorities." In addition, I heard that several AmeriCorps programs in Vermont — including ECO Vermont (DEC's program), Vermont Youth Conservation Corps, Vermont Rural Learning Collaborative, and ReSOURCE — had been notified that their current program year funding was cut and that their members needed to stop service immediately.

16. Over the weekend, I learned from news reports that “Elon Musk’s U.S. DOGE Service ha[d] ordered AmeriCorps to terminate close to \$400 million in grants — roughly 41 percent of the national service agency’s total grant funding.”¹

16. As of April 25, 2025, for the current fiscal year ending June 30th, VHCB had yet to draw down over \$386,284.00 in federal funds.

17. Prior to April 26th, VHCB AmeriCorps supported 22 full-time service members who served in 18 community organizations across Vermont. Those service members received:

- a. A bi-weekly living allowance;
- b. Health care benefits;
- c. Childcare assistance (if eligible);
- d. An AmeriCorps Education Award, which could be used toward school tuition, most federally approved student loans, or future education costs for up to seven years; and,
- e. Free AmeriCorps housing for one VHCB member.

Those service members have now been told to stop service and many of their benefits have been halted, putting their housing, ability to meet basic needs, and legal obligations (i.e. honoring a lease) at severe risk.

18. VHCB may not have the resources to offer comparable benefits to full-time service members absent AmeriCorps funding and access for members’ health insurance plan. The suspension of service members’ benefits already has led to stop-work orders and will prevent some or all of VHCB’s AmeriCorps service members from continuing to serve, completing their service

¹ Tobi Raji, *DOGE orders major cut to AmeriCorps funding, imperiling agency’s work*, Wash. Post, Apr. 25, 2025, <https://www.washingtonpost.com/nation/2025/04/25/amerikorps-grant-cuts-doge/>.

terms, and earning the full promised education award. The result will be as many as 56,760 service hours lost annually.

This significant loss of service hours will directly harm Vermonters who depend upon the variety of host sites for the range of services described previously and damage both VHCB's and the host sites' reputations in the community, upsetting local relationships and likely damaging both future recruitment of volunteers and fundraising.

19. VHCB had received AmeriCorps funding for more than 27 years, and VHCB intended to apply for a grant to continue to operate the program for the coming fiscal year. Because the current grant was cancelled with no notice and minimal explanation, I have no confidence that VHCB will be approved for funding as it routinely has been for the past two decades.

20. In addition, because so many AmeriCorps staff have been placed on leave or terminated, I do not know whom to contact regarding this cancellation and do not believe that the agency will be able to review grant applications for the next fiscal year in a timely manner.

21. Without clarity as to why the current grant was terminated or when grants for next year will be awarded, VHCB does not know how much money will need to be replaced and cannot readily identify substitute funds that might allow us to continue to operate VHCB AmeriCorps, even at a reduced level.

22. Along with the abrupt demobilization and revocation of awarded funds for other AmeriCorps programs in recent weeks, the sudden cancellation of this grant with no notice over a weekend is deeply discouraging and will doubtless have a chilling effect on potential volunteers at Vermont's community organizations and future potential AmeriCorps members.

23. The support that VHCB AmeriCorps members provide to Vermont is critical and irreplaceable. In particular, VHCB AmeriCorps can and has deployed service members on

specialized or emergency projects across the State to assist with such events as the devastating and statewide flooding of July 2024. The loss of the VHCB AmeriCorps program due to AmeriCorps' effective closure will be keenly felt.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct. Executed on May 1, 2025, at Montpelier, Vermont.


/s/ Gustave Seelig